

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF NEW YORK

SAMUEL TUCCIO,

)  
)  
*Plaintiff,* )  
)

v. )

Case No. 2:12 cv-12-05506-JFB-GRB

FJC SECURITY SERVICES INC., )  
)

*Defendant.* )

**Declaration of James Donohue**

*James Donohue*, declares, pursuant to 28 U.S.C. §1746 (2013), under penalties of perjury as follows:

1. I am a Caucasian male. I have been employed by Defendant at FJC Security Services, Inc. (“FJC”) since 1999 when I started as a part-time employee then became a full-time employee in 2001.
2. In 2012, I was promoted to my present position of Executive Director of Aviation Services. My job duties and responsibilities include the assignment of airport security agents and managing all personnel in the Aviation Services Department.
3. I am informed and believe that FJC is a New York State Domestic Corporation and is authorized to do business in the State of New York.
4. FJC has been in business for approximately 25 years providing a wide range of security solutions and services including security guard and related services in the New York Metropolitan area as well as nationally ([www.fjcsecurity.com](http://www.fjcsecurity.com)).
5. One of FJC’s clients at the time this action arose was the Port Authority of New York and New Jersey (the “*Port Authority*”). Plaintiff was employed as an airport security agent

("ASA") at the John F. Kennedy International Airport ("JFK") in Queens, New York under a contract between FJC and the Port Authority. JFK was one of a number of highly visible targets in the New York Metropolitan Area that FJC provided security for the Port Authority. FJC strives to protect the client's property and the public. Protecting the Port Authority's property and the public is of paramount interest to the Port Authority requiring strict adherence to security protocol, rules and regulations.

6. FJC employees approximately 4,000 security guards.
7. Their workforce is diverse. It is FJC's policy to encourage diversity in the workplace.
8. FJC is an equal employment opportunity employer.
9. I submit this Declaration in Support of the Motion for Summary Judgment and Entry of Summary Judgment in Defendant FJC Security Services, Inc. in that there exists no genuine issues of material fact and Defendant is entitled Summary Judgment as a Matter of Law.
10. I also submit this declaration to supplement testimony I provided in this matter on August 22, 2013. It is also based on FJC's business records and my personal knowledge.
11. Each new applicants for the entry level position for ASA must be fingerprinted and undergo a background check (See Check Off Sheet Left Side from Plaintiff's Personnel File attached as **Exhibit 1** (Bates# D000017, Bates# D000020).
12. Each new applicant who is to be employed in the entry level position of ASA for the Port Authority at JFK, must complete a 16 hour and 8 hour training course at an accredited training school, and obtain a New York Security Guard License. N.Y.S. CLS Gen. Bus. Law, Art. 7A, Section 89-6 (2013).
13. Attached hereto as **Exhibit 2** are Documents contained in Plaintiff's Personnel File:
  - a. Unarmed Security Guard License (New York State)(Bates #D000021)

- b. Security Guard Training Certificate: Eight Hour Annual In-Service Training (Bates#D000026);
  - c. Security Guard Training Certificate: 16 Hour on the Job Training Course (Bates#D000027);
  - d. Security Identification Display Area (“SIDA”) Training (which is conducted and tested by the Port Authority) (Bates#D000060) and JFK SIDA ID Cardholder Responsibilities (Bates#D000038);
  - e. Identification Badge with DR 1 Designation (Bates #D000014);
  - f. F93 Fireguard License and Receipt (Bates #D000015);
  - g. HR Audit Checklist (Bates #D000043);
  - h. FJC Security Services Inc. Performance Rate Agreement Signed by Plaintiff (Bates # D000048);
  - i. FJC Security Services Inc. Aviation “No Restrictions” Form Signed by Plaintiff (Bates # D000066);
  - j. FJC Security Services Inc. Physical Capabilities Sign-Off (Bates # D000051);
  - k. July 6, 2009 E-mail from Jessica Richer to James Donohue and Frances Velazques regarding Plaintiff’s refusal to remove sunglasses (Bates # D000011);
  - l. Employee Violation Notice (Dated: 8/10/09) (Bates#D000005);
  - m. Employee Violation Notice (Dated: 01/14/2010) (Bates # D000004);
14. To obtain an F 93 Fire Guard Certificate, the applicant must complete the training provided by and be licensed by the New York City Fire Department. The requirements and duties of Fire guards are to know the location of all fire protection devices, interior and exterior,

fire alarm pull stations. The purpose of the training and licensing is to reduce the incident of fires in public places.

15. In 2009 and currently, when I prepare an initial assignment and following assignment Scheduling Sheet, I complete the Scheduled Calendar and location of Site based on my knowledge of a particular Client's needs at the time the Scheduling Sheet is completed. I first complete the portion of the Scheduling Sheet. The Schedule Sheet is then distributed to the personnel staff to be handed out to eligible and vetted ASA's randomly on a first come, first serve basis. I generally do not know which ASA is assigned to the blank Scheduling Sheet, whose name is inserted in the blank in the Scheduling Sheet, or what that ASA's individual characteristics are since I generally do not see the assigned ASA at the time of assignment. Attached as Exhibit 3 is a true and correct copy of Plaintiff's initial Scheduling Sheet (Dated: May 21, 2009) and the Scheduling Sheet where I assigned Plaintiff to the Bag Room at Avianca Airlines Terminal 4 on August 10, 2009.
16. On April 28, 2009, Plaintiff received the FJC Security Services Inc. Terms and Conditions of Employment. Attached hereto as Exhibit 4 is a true and accurate copy of FJC Security Services Inc. Terms and Conditions of Employment signed by Plaintiff. (*see also* Paragraph 13 (g) above: Bates # D000043).
17. On April 28, 2009, Plaintiff received the FJC Security Services Inc. Sexual Harassment and Anti-Discrimination Policy. Attached hereto as Exhibit 5 is a true and accurate copy of FJC Security Services Inc. Sexual Harassment and Anti-Discrimination Policy. (*see also* paragraph 13 (g) above: Bates # D000043).
18. On January 20, 2010, I terminated Plaintiff for the reasons stated in my attached letter. Attached hereto as Exhibit 6 is the January 20, 2010 Termination Letter.

19. The Exhibits attached to my Declaration are FJC's business records. These business records were made in the regular and ordinary course of FJC's business. It was the regular and ordinary course of FJC's business to make these records reasonably contemporaneously. To the best of my knowledge, they are accurate and complete.

Signature follows on next page...

Dated: January 24, 2014

By:

  
James Donohue

1-20-14

WEISS & WEISS LLC, Of Counsel  
2000 Post Rd., LL 106  
Fairfield, CT 06824  
50 Main Street, 10th Floor  
White Plains, New York 10606  
(866) 277-2707/Fax: (203) 254-2725  
Scott@weissnweiss.com  
(SW0431)

Of Counsel to:

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Clifford J. Ingber, Esq. (CJI 7476)  
6 Stallion Trail  
Greenwich, Connecticut 06831  
(203) 629-6170/ Fax: (203) 629-3954  
Cjingber@ingberlawfirm.com

**Attorneys for FJC Security Services Inc.**

*Declaration of James Donohue*  
**Exhibit 1**

**Check Off Sheet Left Side****FJC Aviation Services Inc.**

	Name <i>Samuel Tuccio</i>	YES	NO	Check Off Signature
1	U.S. Dept. of Justice I-9 Form / Requires Signature	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	Department of Treasury U.S. Customs Service Application for Identification Card / Requires Signature	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	U.S. Customs Access JFK Airport / Requires Signature / *Finger Prints	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4	U.S. Customs & Border Protection JFK Airport CF 3078 Appendix A / Requires Signature	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5	Employee's Withholding Allowance Certificate IT-2104 / Requires Signature	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	Form W-4 / Requires Signature	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



	Form			Check off Signature
19	N.Y.C.F.D. Bureau of Fire Prevention Certificate of Fitness Application / Requires Signature			
20	<b>Credentials Presented / Required When Applying Make Copies</b>	YES	NO	
(A)	High School Diploma	✓		
(B)	Drivers License (NYS) or ID Card issued by Local Government Agency (NYS) with Photograph	✓		
(C)	U.S. Social Security Card	✓		
(D)	Security Guard License	✓		
(E)	Eight Hour Certificate	✓		
21	*See the reverse (back side) of the I-9 for List of Acceptable Documents example:			
(a)	U.S. Passport	✓		
(b)	Unexpired Foreign Passport			
(c)	Unexpired Temporary Resident Card			
(d)	Unexpired Employment Authorization			
(e)	* Other			
(f)	* Other			
22	Drug Testing	✓		
23	License Check			
24	Training	YES	NO	
	Finger Prints NYS Security Guard License	✓		
	16 Hour Training Class Certificate	✓		
	SIDA	✓		
	AOA			

*Declaration of James Donohue*  
**Exhibit 2**

# Department of State

## Division of Licensing Services

### Licensee List

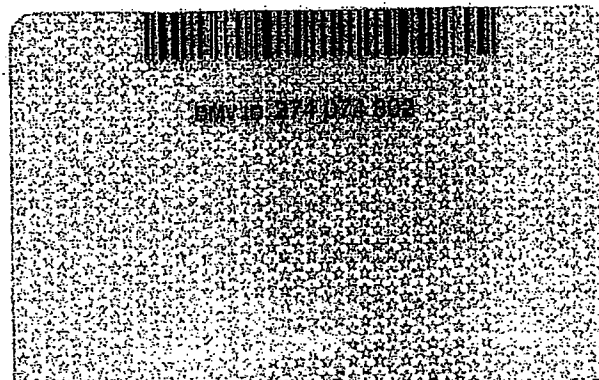
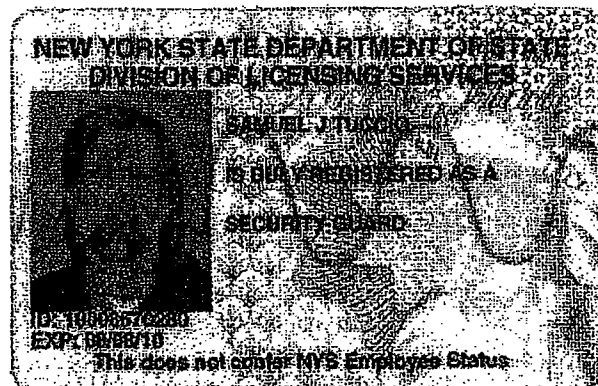
Click an ID Number for more information.

ID Number	Name	City	License Type	Expires
10008670280	TUCCIO SAMUEL J	N/A	SECURITY GUARD - UNARMED	08/08/2010

Row(s) 1 - 1

[ [Name Search](#) ] [ [Business Name Search](#) ] [ [ID Search](#) ]  
[ [Licensee Search Menu](#) ]

[ [Division of Licensing Services Home Page](#) ] [ [NYS Department of State Home Page](#) ]



# SECURITY GUARD TRAINING CERTIFICATE

BE IT HEREBY KNOWN THAT

**Samuel Tuccio**

HAS SUCCESSFULLY COMPLETED THE

**EIGHT-HOUR ANNUAL IN-SERVICE TRAINING**

WHICH SATISFIES THE MINIMUM CRITERIA RECOMMENDED BY THE NEW YORK STATE SECURITY  
GUARD ADVISORY COUNCIL

CONDUCTED BY

**BUILDINGSTAR SECURITY CORPORATION**

1785 Lakeland Avenue – Ronkonkoma, NY 11779

65 Broadway – New York City, NY 10006

THIS COURSE WAS CONDUCTED ON

**January 31, 2009**

**521376**

SCHOOL CODE

  
SCHOOL DIRECTOR – MICHAEL J. O'NEILL

5/5/09  
D0000240  
05/15/13

05/15/05  
D000025.0  
05/15/13

# ***Security Guard Training Certificate***

***Be It Here By Known That***

***Samuel J. Tuccio***

***HAS SUCCESSFULLY COMPLETED THE***

***16 Hour On The Job Training Course***

***Course For Security Guards***

***Which Satisfies The Minimum Recommended By The New York State  
Security Guard Advisory Council***

***Conducted By:***

***ARBOR-AHSECURITY TRAINING SCHOOL***

***212 WEST 35<sup>TH</sup> STREET***

***NEW YORK, NY 10001***

***On This 28<sup>th</sup> Day of March 2004***

**311308**

***SCHOOL CODE***



***SCHOOL DIRECTOR***

THE PORT AUTHORITY OF NY & NJ



JOHN F. KENNEDY INTERNATIONAL AIRPORT  
SOUTH SERVICE ROAD, BUILDING #14  
JAMAICA, NY 11430

### JFK SIDA ID CARDHOLDER RESPONSIBILITIES

In order to comply with federally mandated regulations as they pertain to the security of the Security Identification Display Area (SIDA); the following procedures must be adhered to with respect to accountability for the JFK Airport ID card being issued to you.

**YOU MUST HAVE RECEIVED** prior formalized training regarding the proper use of this card.

**YOU MUST DISPLAY** your airport ID card at ALL times when in the SIDA/AOA, above your waist and on your outermost garment.

**YOU ARE REQUIRED TO CHALLENGE** all individuals in the SIDA not displaying an ID card. Contact your Supervisor – Port Authority Police or Security if there appears to be an irregularity.

In order to gain access to the SIDA through an AUTHORIZED access point, you must use your encoded ID card by swiping it downward in the card reader and entering your selected PIN number on the keypad. **DO NOT FORGET YOUR SELECTED PIN NUMBER** and **DO NOT WRITE YOUR PIN NUMBER ON YOUR ID CARD**.

**EACH TIME** you access the SIDA you must use your OWN ID card and PIN number.

**MISUSE, LOANING OR ALTERATION** of the ID CARD or PIN number will result in revocation of your access privileges.

After **THREE (3)** consecutive unsuccessful attempts with a card reader, your ID card will be voided

**NEVER** tamper with or abuse an access card reader. Offenders will lose all ID card privileges and be subject to arrest. Report offenders immediately.

If you lose your ID card, or it has been stolen, you should immediately report this situation to your Company Issuing Officer.

If you find your ID card after it has been reported lost or stolen, **DO NOT USE IT**. Immediately return it to your Company Issuing Officer.

If your employment status changes or your card expires, you are required to immediately turn your ID card into your Company Issuing Officer.

Your ID card is an important documents, which must be handled with responsibility and care. A fee may be assessed to your company for lost or stolen ID cards. Upon a second occurrence, an administrative review will take place and your ID card privileges may be revoked.

The ID CARD OFFICE HOURS ARE: MONDAY 8:00 A.M. – 4:00 P.M., WEDNESDAY 7 A.M. – 5 P.M.  
TUESDAY, THURSDAY, FRIDAY 8:00 A.M. – 5:00 P.M. Closed on Saturday, Sunday and major holidays.

Individuals who are PRE-APPROVED to serve as an escort for non-airport employees/vehicles must abide by the procedures outlined in the Company's Security Awareness Program for JFK Airport.

Remember that the ID card is the property of the Port Authority of NY & NJ and your ID card privileges may be revoked at any time for failure to comply with the above procedures and responsibilities.

Dennis McCormick  
Manager, Airport Security  
Kennedy International Airport

SIGNATURE

*Samuel Buccia*

DATE

4-28-09

Teecio v. FJC Sec. Svc. Inc. Subject to Confidentiality Stipulation: Dissemination is Strictly Prohibited

D000038  
05/15/13





THE PORT AUTHORITY OF NY & NJ

94771

## CERTIFICATE OF ATTENDANCE

This is to certify that

Tuccio, Samuel of FJC Security  
Employee Company

has completed Security Identification Display Area Training in compliance with TSA Regulation 1542.105(3)/.213(b).

Date of Training 04-30-09

Signed: \_\_\_\_\_

Instructor

This form must be completed and bear an original signature of the instructor to be valid. Return the SIDA Certificate with the individual's ID Card application in order for the form to be accepted and an ID Card issued. A passing exam score must be noted on this form.

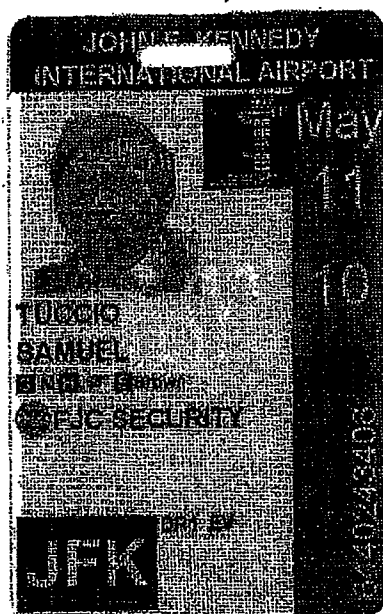
Date of Birth or S.S.# 05 103 143

Current ID Card Number \_\_\_\_\_

Exam Score 96.1

05/15/13

Tuccio v. FJC Sec. Svc. IncS020333636 Confidentiality Stipulation: Dissemination is Strictly Prohibited





DATE ISSUED BY RECEIPT

CERT.# 84352137 N  
ISSUED 06/08/2009 EXPIRES 06/07/2012

NAME SAMUEL J TUCCIO NOT  
HOME 199 WEST NICHOLAI ST FDNY  
ADDR. HICKSVILLE, NY 11891 EMPLOYEE

FEE \$ 25 CAT.F93 TYPE Fitness  
DESC. CONS FG CONST/TOR OP.

EMPLOYER FJC  
WORK  
LOCATION



*Samuel Tuccio*

N.Y.C.F.D. 9 Metrotech Ctr Brooklyn, N.Y. 11201	<b>RECEIPT</b>	DATE <u>5-8-09</u>	131414									
	RECEIVED FROM <u>Tuccio, Samuel</u>											
	FOR CERTIFICATE OF FITNESS <b>PASSED</b>	<b>\$25.00</b>										
	<table border="1"> <thead> <tr> <th colspan="2">HOW PAID</th> </tr> </thead> <tbody> <tr> <td>CASH</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>CHECK</td> <td><input type="checkbox"/></td> </tr> <tr> <td>MONEY ORDER</td> <td><input type="checkbox"/></td> </tr> <tr> <td>CREDIT CARD</td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	HOW PAID		CASH	<input checked="" type="checkbox"/>	CHECK	<input type="checkbox"/>	MONEY ORDER	<input type="checkbox"/>	CREDIT CARD	<input type="checkbox"/>	BY <u><i>[Signature]</i></u>
HOW PAID												
CASH	<input checked="" type="checkbox"/>											
CHECK	<input type="checkbox"/>											
MONEY ORDER	<input type="checkbox"/>											
CREDIT CARD	<input type="checkbox"/>											

*Refund*  
*\$ 25.00*  
*55-026-32-2839*



# FJC Security Services Inc.

## HR Audit Checklist

☒ New Hire ☐ Re-Hire ☐ Transfer

☒ APPROVED

☐ DEP ☐ DHS ☐ Pvt Shelter ☐ HRA ☐ NY-GOV ☐ Long Island  
☐ USO ☒ AVIATION ☐ Port NY ☐ Port New Jersey ☐ USO-NJ ☐ FPS

Employee Name: SAMUEL J. TUCCIO

	Processor	HR Mgr	Auditor	CCD Mgr
1. DATA ENTRY SHEET	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
2. CERTIFICATE OF COMPLIANCE			<input checked="" type="checkbox"/>	
3. GUARD LICENSING APPLICATION NY NJ (Circle One)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
4. SECOND FINGERPRINT CARD or SAGEM MORPHO APPT. <u>1 Card</u>			<input checked="" type="checkbox"/>	
5. AUTHORIZED PAYROLL DEDUCTION FORM	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
6. 90 DAY REHIRE PROBATIONARY PERIOD FORM/TRANSFER SHEET			<u>NAO Hire</u>	
7. EMPLOYMENT APPLICATION (ALL SUPPORTING DOCUMENTS)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
a. COPIES OF ALL ID'S AND REQUIRED HIRING DOCUMENTS	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
b. TRAINING CERTIFICATES	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
8. HIGH SCHOOL DIPLOMA, GED, COLLEGE or FOREIGN			<u>N/A</u>	
9. VERIFICATION OF 3 YEAR WORK HISTORY			<u>Waived</u>	
10. DRUG SCREENING AUTHORIZATION	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
11. DRUG TEST AND MEDICAL	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
12. I-9 EMPLOYMENT ELIGIBILITY VERIFICATION	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
13. W-4 FORM (EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
14. <input checked="" type="checkbox"/> JOB VERIFICATION FORM (EXPERIENCE)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
15. PERSONAL REFERENCES	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
16. PERFORMANCE RATE FORM	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
17. PUBLIC WORKS PREVAILING WAGE FORM (CITY CONTRACTS ONLY)			<input checked="" type="checkbox"/>	
18. TERMS AND CONDITIONS POLICY	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
19. JUSTIFICATION OF DEFENSE FORM	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
20. PHYSICAL CAPABILITIES SIGN OFF	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
21. PERSONAL APPEARANCE	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
22. UNION FORMS (ALLIED UNION or <u>SSOBA</u> or 32BJ)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
23. SEXUAL HARASSMENT AND ANTI-DISCRIMINATION POLICY	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
24. SENTINEL HEALTH FUND			<input checked="" type="checkbox"/>	
25. LONG ISLAND DIVISION ORIENTATION/WEAPONS POLICY			<input checked="" type="checkbox"/>	
26. DMV CHECK/FLEET SAFETY POLICY (ALL DRIVING POSTS)			<u>Non Drv</u>	
27. FORM LDSS-3370 (HRA ONLY)			<input checked="" type="checkbox"/>	
28. EXECUTIVE OVERRIDE BY: <u>JP</u> FOR: <u>1 yr history</u>			<input checked="" type="checkbox"/>	
29. OFFICER'S SCHEDULE FORM (ISSUED BY ACCOUNT MANAGER)			<input checked="" type="checkbox"/>	
30. UNIFORM DISTRIBUTION FORM	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

Processor: Rouse Davis

Date: 05/04/09

HR Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Forwarded to CCD via Email DocStar by: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_

CCD Auditor: Shannon J. Tlett

Date: 05/11/09

CCD Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Data Pack scanned and sent via email by: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_



# **FJC Security Services Inc.**

## **Performance Rate Agreement**

I, Samuel J. Tuccio understand that my employment with FJC Security Services, Inc will be based upon my ability to comply with all NY State Licensing requirements, FJC Rules & Regulations and my ability to Perform my assigned duties in accordance with established guidelines. I further understand that my pay rate will be based upon my assignment, as explained to me during my orientation and set forth by city, state and federal minimum wage guidelines.

I attest and affirm all information provided by me to FJC as truthful and complete and to hereby state that said information, if false as provided will be grounds for termination.

Furthermore, if during my employment I fail to comply with any rules & regulations or procedures I may be subjected to termination.

I fully intend to perform my assigned duties to the best of my abilities and to comply with all FJC guidelines, rules and regulations as set forth during my employment with FJC.

Samuel J. Tuccio  
Signature

4/28/09  
Date

Rev. 07/28/06



# FJC Security Services Inc.

## Aviation "No Restrictions" Form

FJC Aviation Services is a 24 hours a day 7 days a week business providing services to the airline industry. It is understood that the schedules of our employees may be affected by changes in schedules of our Customers (the airlines). Therefore our employees scheduled days off and the number of hours worked are subject to change based on the customer's schedule and the discretion of the company.

If you are not available to work all shifts, locations, hours and days because of your requirements/restrictions please indicate what your requirements I restrictions are in the space below:

I want to get Sunday off and Saturday  
off if possible.

Please note that FJC will attempt to honor your requirements/restrictions as indicated above. However, there is no guarantee that the company can comply with your requirements/restrictions at this time as our customer's requirements and schedules may not coincide with your requirements/restrictions.

If there are no restrictions to your days off, shift or hours worked, please indicate by writing in the space provided below "I HAVE NO RESTRICTIONS" in the space marked (X) below."

X \_\_\_\_\_

Applicant's Name (printed): Samuel Tuccio Date: 4/28/09

Applicant's Signature: Samuel Tuccio



# Physical Capabilities Sign-Off

Physical Capabilities Sign-Off

## FJC Security Services Employee Statement

EMPLOYEE: Samuel Tuccio Date: 4-28-09

I, Samuel Tuccio, do hereby certify that to the best of my knowledge I am capable of performing normal or emergency duties including arduous physical exertion such as standing or walking an entire shift, climbing stairs and ladders, lifting and carrying objects weighing up to 50 lbs., running and enduring exposure to extreme weather conditions for an entire shift. I further understand my assignment may require periods of prolonged standing.

I have no physical limitations that would preclude me from accepting an assignment.

Signed: Samuel Tuccio

Date: 4-28-09

Accepted by: (Signature)

Title: Admin.

Revised 09/30/05

**James Donohue**

**From:** Jessica Richer  
**Sent:** Monday, July 06, 2009 2:42 PM  
**To:** James Donohue; Frances Velazquez  
**Cc:** John Pagnotta  
**Subject:** Tuccio, Sa  
James,

There was an incident on Thursday night, 7/2, A-Tour that I want you to be aware of:

Mr. Tuccio arrived for duty wearing sunglasses, and was questioned by Duty Manager Draper, as they are not part of the uniform, and it raised suspicion as to why an employee would be wearing sunglasses to work outdoors, at night. Mr. Tuccio stated that he had injured his eye, and he was wearing the sunglasses for protection, however he refused to allow Ms. Draper to see his eyes to verify this. She was concerned that one, he was informing us of a medical problem and was unsure that he was medically fit to perform his duties on post, and two, absent medical documentation of his injury or visual inspection that he was not hiding something else (either infectious or under the influence of something). She informed him he would not be permitted to work with the sunglasses on post, and he elected to go home. He did not work Thursday, Friday, or Saturday night, as he refuses to take the glasses off. He is off Sun/Mon. Ms. Draper owes us a write up on this incident...she called and briefed me, but I do not have documentation yet.

Mr. Tuccio arrived in my office this afternoon to complain about not being permitted to work with his sunglasses on, and felt that it was unreasonable. I explained to him the above mentioned concerns, and supported Draper's decision to not allow him to work with the glasses on. He is not satisfied with that decision and states he will be escalating the complaint to building 75.

Right now, as far as we are concerned, he is on medical leave due to a reported eye injury and will not be permitted to return to work without clearance.

Jessica

***Jessica E. Richer***

Director of Contract Compliance, Terminal 4  
FJC Security Services, Inc. - Aviation Division  
Terminal 4, JFK Int'l Airport  
Jamaica, NY 11430  
Office: 718-751-4826  
Cell: 631-645-1257  
Email: [jricher@fjcsecurity.com](mailto:jricher@fjcsecurity.com)  
Web: [www.fjcsecurity.com](http://www.fjcsecurity.com)

CONFIDENTIALITY NOTICE: This correspondence, and all attachments transmitted with it, may contain legally privileged and confidential information intended solely for the use of the intended recipient. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone at (516) 328-6000 x105, or by electronic mail to [itservices@fjcsecurity.com](mailto:itservices@fjcsecurity.com) and delete this message and all copies and backups thereof. Failure to comply with this confidentiality notice may result in criminal or civil penalties and/or prosecution.

FJC SECURITY SERVICES, INC. 275 RICHMOND TURNPIKE FLORAL PARK, N.Y. 11001

**EMPLOYEE VIOLATION NOTICE**

PLEASE PRINT ALL INFORMATION

VIOLATION #

Employee Name: Tuccio, Samuel Code: \_\_\_\_\_ Date of warning: 08/08/09Location: Bldg 75 Shift: B Supv. On Duty: \_\_\_\_\_Reported by: ☒ Dispatcher ☐ Field Inspector ☐ Site / Shift Supervisor ☐ Account Manager☐ DirectorNAME: Samuel Tuccio**TYPE OF VIOLATION:**☐ NO CALL / NO SHOW☒ LATENESS☐ INSUBORDINATION☐ CARELESSNESS☐ DISHONESTY☐ SLEEPING ON DUTY☐ OTHER☐ POST ABSENCE☐ IMPROPER UNIFORM☐ REFUSAL TO HOLDOVER☐ WALKING OFF POST☐ SITTING ON POST☐ PERSONAL PHONE CALLS☐ FRATERNIZATION☐ FIGHTING☐ UNDER THE INFLUENCE☐ IMPROPER CONDUCT☐ UNSATISFACTORY PERFORMANCE☐ LOST EQUIPMENT☐ REFUSING POST ASSIGNMENT☐ SAFETY VIOLATION**DETAILS**Agent arrived 1h. 25 min late for his 1000  
apt with General Manager.**EMPLOYER'S STATEMENT**Date of Incident: 08/08/09 Time: 1000 AM  
PMAs above.**EMPLOYEE'S STATEMENT**☐ I AGREE WITH THE EMPLOYER'S STATEMENT  
☐ I DISAGREE WITH EMPLOYER'S DESCRIPTION  
OF VIOLATION FOR THESE REASONS:

FJC REPRESENTATIVE

DATE

EMPLOYEE'S SIGNATURE

DATE

ACKNOWLEDGEMENT OF DISCIPLINE: signing acknowledges receipt of discipline and not necessarily guilt. You may write your explanation of the facts presented above. Failure to sign may be considered insubordination.

**BELOW THIS LINE FOR DIRECTOR OF OPERATIONS USE ONLY****RESOLUTION:** ☐ UNFOUNDED ☐ REPRIMAND ☐ SUSPENDED FOR \_\_\_\_\_ DAYS☐ \_\_\_\_\_ DAYS PROBATION ☐ FINAL WARNING ☐ TERMINATED



FJC SECURITY SERVICES, INC. 75 JERICHO TURNPIKE FLORAL PARK, N.Y. 11001

**EMPLOYEE VIOLATION NOTICE****PLEASE PRINT ALL INFORMATION****VIOLATION #** \_\_\_\_\_Employee Name: Tuccio Tamm Code: \_\_\_\_\_ Date of warning: 01/14/10Location: Jericho H. Prison Shift: \_\_\_\_\_ Supv. On Duty: Alberto CasanillaReported by: ☐ Dispatcher ☐ Field Inspector ☒ Site / Shift Supervisor ☐ Account Manager☐ Director

NAME: \_\_\_\_\_

**TYPE OF VIOLATION:**

☐ NO CALL / NO SHOW  
☐ LATENESS  
☐ INSUBORDINATION  
☐ CARELESSNESS  
☐ DISHONESTY  
☐ SLEEPING ON DUTY  
☐ OTHER

☐ POST ABSENCE  
☐ IMPROPER UNIFORM  
☐ REFUSAL TO HOLDOVER  
☐ WALKING OFF POST  
☐ SITTING ON POST  
☐ PERSONAL PHONE CALLS  
☐ FRATERNIZATION

☐ FIGHTING  
☐ UNDER THE INFLUENCE  
☐ IMPROPER CONDUCT  
☐ UNSATISFACTORY PERFORMANCE  
☒ LOST EQUIPMENT  
☒ REFUSING POST ASSIGNMENT  
☐ SAFETY VIOLATION

**DETAILS**

Mr. Tuccio Tamm 04:00 AM sign.  
and give the assignment. My told he I  
could go home

**EMPLOYER'S STATEMENT**

Date of Incident: 01/14/10 Time: 04:02 AM ☒ PM  
Refusing to accept the  
assignment (Camp Flight  
AV 043). I notified ASD  
right away 04:19 AM.

**EMPLOYEE'S STATEMENT**

☐ I AGREE WITH THE EMPLOYER'S STATEMENT  
☐ I DISAGREE WITH EMPLOYER'S DESCRIPTION  
 OF VIOLATION FOR THESE REASONS:

FJC REPRESENTATIVE

DATE

EMPLOYEE'S SIGNATURE

DATE

ACKNOWLEDGEMENT OF DISCIPLINE: signing acknowledges receipt of discipline and not necessarily guilt. You may write your explanation of the facts presented above. Failure to sign may be considered insubordination.

**BELOW THIS LINE FOR DIRECTOR OF OPERATIONS USE ONLY****RESOLUTION:** ☐ UNFOUNDED ☐ REPRIMAND ☐ SUSPENDED FOR \_\_\_\_\_ DAYS☐ \_\_\_\_\_ DAYS PROBATION ☐ FINAL WARNING ☐ TERMINATED

White - Account Manager Tuccio V. FJC Sec. Svc. Inc. Subj. to 5506 Confidentiality Stipulation. Dissemination is Strictly Prohibited

D000004  
05/15/13



*Declaration of James Donohue*  
**Exhibit 3**

**FJC SECURITY SERVICES, Inc.**SECURITY OFFICER NAME: Samuel TuccioDATE: 5/21/09

HOME PHONE #:

SECONDARY PHONE #:

RATE: \$ 9.00SITE: IATDIVISION: AviationTHIS SCHEDULE IS: ☒ PERMANENT☐ TEMPORARY

LISTED BELOW IS YOUR ASSIGNED SCHEDULE AND THE BASIC RULES AND REGULATIONS THAT ARE TO BE FOLLOWED AT ALL TIMES AS EMPLOYEES OF FJC SECURITY

DATE	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	HOURS
5/26/09	<u>off</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>off</u>	
		<u>0700</u>	<u>0700</u>	<u>0700</u>	<u>0700</u>	<u>0700</u>		

In Case of Call Outs (Sick/Emergency) it is the Security Officer's/ASA's responsibility to call their designated dispatch at: (Manager Circle One)

NEW YORK	AVIATION	NEW JERSEY
DISPATCH - (212)485-0610 OR (347)418-3800 TELEPORT - (718)355-7222 STATEN ISLAND BRIDGES - (347)723-8023 PT IVORY - (718)720-7391 OR (718)727-2111 x230 WORLD TRADE CENTER - (212)732-8415	BLDG 75 (718)244-7318 OR 7319 TERMINAL ONE (718)751-1200 TERMINAL SIX (718)995-0195 TERMINAL FOUR (718)751-4825 (0800 TO 1600)	DISPATCH - (201)386-0530 NEWARK - (973)353-0928

1. ANY OFFICER WHO IS UNABLE TO REPORT FOR HIS OR HER SCHEDULED TOUR OF DUTY MUST ADHERE TO THE CALL OUT RULE OF AT LEAST 4 HOURS NOTIFICATION PRIOR TO SCHEDULED START TIME.
  2. ALL OFFICERS ARE TO REPORT FOR ROLL CALL BEFORE HIS OR HER SCHEDULED TOUR OF DUTY AS PER THEIR CONTRACT.
  3. CALL IF YOU ARE GOING TO BE LATE FOR ROLL CALL.
  4. NO OFFICER CAN MAKE ANY CHANGES IN HIS OR HER SCHEDULE WITHOUT PRIOR APPROVAL THEIR MANAGER.
  5. IF YOU HAVE ANY PROBLEMS WITH YOUR SCHEDULE, CO-WORKERS, OR SUPERVISORS YOU ARE TO DIRECT ANY COMPLAINTS TO FJC SECURITY (YOUR MANAGER) -- NOT THE CLIENT.
  6. SIGN IN AND OUT AT CORRECT POST AND TIME INDICATED ON THE ROLL CALL SHEETS.
  7. ANY OFFICER WHO DOES NOT WAIT FOR THEIR RELIEF OR DOES NOT REPORT FOR THEIR SCHEDULED TOUR OF DUTY WILL BE SUSPENDED BY THE MANAGER ONLY AND SUBJECT TO DISMISSAL.
- IF SCHEDULED FOR STANDBY ON A GIVEN DAY AND NOT POSTED AT ROLL CALL, YOU WILL BE REQUIRED TO STAY FOR 4 HOURS (PAID) UNLESS OTHERWISE DIRECTED BY THE FJC DUTY MANAGER. YOU WILL NOT BE PAID FOR MORE THAN 4 HOURS UNLESS THE DUTY MANAGER POSTS YOU.
- THE PAY PERIOD STARTS ON MONDAY AND ENDS ON SUNDAY. CHECKS ARE GIVEN OUT ON FRIDAYS WHERE THEY WILL BE HELD FOR 1 WEEK. IF CHECKS ARE NOT PICKED UP THEN THEY WILL BE RETURNED TO THE FJC CORPORATE OFFICE WHERE PICK-UP ARRANGEMENTS WILL BE MADE BY THE OFFICER.

MY SIGNATURE BELOW INDICATES THAT I HAVE READ, UNDERSTAND AND ACCEPT THE SCHEDULE ASSIGNED TO ME.EMPLOYEE SIGNATURE: Samuel J. TuccioDATE: 5/21/09MANAGER VERIFIED: [Signature]MY SIGNATURE BELOW INDICATES THAT I AM UNABLE TO ACCEPT THE SCHEDULE ASSIGNED TO ME AND I UNDERSTAND THAT I WILL BE REMOVED FROM THE ACTIVE EMPLOYEE LIST.

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE: 1/1

MANAGER VERIFIED: \_\_\_\_\_

Revised 10/11/05

D000044  
05/15/13

Tuccio v. FJC Sec. Svc. Inc. Subj. Confidentiality Stipulation: Dissemination is Strictly Prohibited

**FJC SECURITY SERVICES, Inc.**SECURITY OFFICER NAME: Tuccio, SADATE: 8/10/09

HOME PHONE #:

SECONDARY PHONE #:

RATE: \$ 9.00SITE: AviationDIVISION: AviationTHIS SCHEDULE IS: ☒ PERMANENT☐ TEMPORARY

LISTED BELOW IS YOUR ASSIGNED SCHEDULE AND THE BASIC RULES AND REGULATIONS THAT ARE TO BE FOLLOWED AT ALL TIMES AS EMPLOYEES OF FJC SECURITY

DATE	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	HOURS
<u>Stand</u>	<u>0500</u>	<u>0500</u>	<u>0500</u>	<u>0500</u>	<u>0500</u>	<u>/</u>	<u>/</u>	
<u>8/11/09</u>	<u>0900</u>	<u>0900</u>	<u>0900</u>	<u>0900</u>	<u>0900</u>	<u>/</u>	<u>/</u>	

In Case of Call Outs (Sick/Emergency) it is the Security Officer's/ASA's responsibility to call their designated dispatch at: (Manager Circle One)

NEW YORK	AVIATION	NEW JERSEY
DISPATCH - (212)485-0610 OR (347)418-3800 TELEPORT - (718)355-7222 STATEN ISLAND BRIDGES - (347)723-8023 PT IVORY - (718)720-7391 OR (718)727-2111 x230 WORLD TRADE CENTER - (212)732-8415	BLDG 75 (718)244-7318 OR 7319 TERMINAL ONE (718)751-1200 TERMINAL SIX (718)995-0195 TERMINAL FOUR (718)751-4825 (0800 TO 1600)	DISPATCH - (201)386-0530 NEWARK - (973)353-0928

1. ANY OFFICER WHO IS UNABLE TO REPORT FOR HIS OR HER SCHEDULED TOUR OF DUTY MUST ADHERE TO THE CALL OUT RULE OF AT LEAST 4 HOURS NOTIFICATION PRIOR TO SCHEDULED START TIME.
2. ALL OFFICERS ARE TO REPORT FOR ROLL CALL BEFORE HIS OR HER SCHEDULED TOUR OF DUTY AS PER THEIR CONTRACT.
3. CALL IF YOU ARE GOING TO BE LATE FOR ROLL CALL.
4. NO OFFICER CAN MAKE ANY CHANGES IN HIS OR HER SCHEDULE WITHOUT PRIOR APPROVAL THEIR MANAGER.
5. IF YOU HAVE ANY PROBLEMS WITH YOUR SCHEDULE, GO-WORKERS, OR SUPERVISORS YOU ARE TO DIRECT ANY COMPLAINTS TO FJC SECURITY (YOUR MANAGER) - NOT THE CLIENT.
6. SIGN IN AND OUT AT CORRECT POST AND TIME INDICATED ON THE ROLL CALL SHEETS.
7. ANY OFFICER WHO DOES NOT WAIT FOR THEIR RELIEF OR DOES NOT REPORT FOR THEIR SCHEDULED TOUR OF DUTY WILL BE SUSPENDED BY THE MANAGER ONLY AND SUBJECT TO DISMISSAL.

- IF SCHEDULED FOR STANDBY ON A GIVEN DAY AND NOT POSTED AT ROLL CALL, YOU WILL BE REQUIRED TO STAY FOR 4 HOURS (PAID) UNLESS OTHERWISE DIRECTED BY THE FJC DUTY MANAGER. YOU WILL NOT BE PAID FOR MORE THAN 4 HOURS UNLESS THE DUTY MANAGER POSTS YOU.
- THE PAY PERIOD STARTS ON MONDAY AND ENDS ON SUNDAY. CHECKS ARE GIVEN OUT ON FRIDAYS WHERE THEY WILL BE HELD FOR 1 WEEK. IF CHECKS ARE NOT PICKED UP THEN THEY WILL BE RETURNED TO THE FJC CORPORATE OFFICE WHERE PICK-UP ARRANGEMENTS WILL BE MADE BY THE OFFICER.

MY SIGNATURE BELOW INDICATES THAT I HAVE READ, UNDERSTAND AND ACCEPT THE SCHEDULE ASSIGNED TO ME.EMPLOYEE SIGNATURE: Carmel TuccioDATE: 8/10/09MANAGER VERIFIED: [Signature]8/10/09MY SIGNATURE BELOW INDICATES THAT I AM UNABLE TO ACCEPT THE SCHEDULE ASSIGNED TO ME AND I UNDERSTAND THAT I WILL BE REMOVED FROM THE ACTIVE EMPLOYEE LIST.

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE: 1/1

MANAGER VERIFIED: \_\_\_\_\_

*Declaration of James Donohue*  
**Exhibit 4**



# **FJC Security Services Inc.**

## **Terms and Conditions of Employment**

TO ALL EMPLOYEES OF FJC SECURITY SERVICES INC. PLEASE READ AND SIGN THE FOLLOWING.

TO ENSURE THE GENERAL WELFARE OF ALL COMPANY EMPLOYEES AND THE PROPER FUNCTIONING OF COMPANY OPERATION, ALL EMPLOYEES ARE EXPECTED TO FOLLOW ESTABLISHED COMPANY TERMS AND CONDITIONS. THE FOLLOWING ARE EXAMPLES OF CONDUCT WHICH MAY RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION. THEY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. INSUBORDINATION - WILLFULLY REFUSING TO FOLLOW INSTRUCTIONS OR TO PERFORM DESIGNATED WORK.
2. REFUSAL TO ACCEPT A JOB ASSIGNMENT.
3. FALSIFYING EMPLOYMENT APPLICATION, TIME SHEETS AND ANY OTHER OFFICIAL DOCUMENT.
4. FOUND TO BE CONVICTED OF ANY CRIME, RESULTING IN DENIAL OF SECURITY GUARD LICENSE (BEFORE OR DURING EMPLOYMENT).
5. FRATERNIZATION WITH CLIENTS OR CO-WORKERS.
6. THEFT OR UNAUTHORIZED REMOVAL, USE OR POSSESSION OF COMPANY, CUSTOMER, CLIENT OR ANOTHER EMPLOYEE'S PROPERTY.
7. FAILURES TO PASS A DRUG/ALCOHOL TEST OR REFUSAL TO TAKE A DRUG/ALCOHOL TEST.
8. REPORTING TO ANY FJC FACILITY INTOXICATED (ON OR OFF DUTY).
9. UNSATISFACTORY WORK PERFORMANCE.
10. FAILURE TO FOLLOW UNIFORM DRESS CODE OR MAINTAIN PERSONAL HYGIENE.
11. INATTENTION TO DUTIES OR SLEEPING ON DUTY OR ASSUMING THE POSITION SUGGESTING SLEEP, ON THE JOB.
12. EXCESSIVE PERSONAL USE OF TELEPHONES OR POSSESSION OF PERSONAL CELL PHONES/BEEPERS/CD PLAYERS/RADIOS OR ANY UNAUTHORIZED ELECTRONIC DEVICE WHILE WORKING.
13. UNAUTHORIZED EATING, DRINKING OR CHEWING GUM AT WORK STATIONS.
14. WALKING OFF POST, ABANDONMENT OF SCHEDULE, LEAVING AN ASSIGNED WORK AREA DURING WORK HOURS FOR ANY REASON OTHER THAN IN THE LINE OF DUTY OR WITH AUTHORIZATION FROM THE SUPERVISOR.
15. MALICIOUS DAMAGE TO COMPANY OR CLIENT PROPERTY.
16. DISLOYALTY TO THE COMPANY OR DISPARAGEMENT OF ITS PRODUCTS.
17. DISHONESTY.
18. PUNCHING ANOTHER EMPLOYEE'S TIME CARD OR FALSIFYING A TIME SHEET.
19. FIGHTING ON DUTY.
20. DISCLOSURE OF CONFIDENTIAL COMPANY INFORMATION TO UNAUTHORIZED PERSONS.
21. CREATING UNSAFE OR UNSANITARY CONDITIONS.
22. REFUSAL TO COOPERATE IN ANY INVESTIGATION IN THE WORKPLACE.
23. DELAYING OR RESTRICTING PRODUCTION OR ENCOURAGING OTHERS TO DO SO.
24. FAILURE TO MAINTAIN THE FOLLOWING LICENSES UP TO DATE (ALIEN CARD; SECURITY LICENSE; FIRE GUARD AND DMV.)
25. EMPLOYEES ARE RESTRICTED FROM SMOKING IN RESTRICTED AREAS. NEW YORK CITY FIRE DEPARTMENT CODE PROHIBITS SMOKING IN ALL PUBLIC BUILDINGS; THIS INCLUDES ALL BUILDINGS AND TERMINALS AT THE AIRPORTS. SMOKING ON THE AOA IS PROHIBITED EVEN IN A CLOSED VEHICLE.
26. FAILURE TO ABIDE BY COMPANY, CUSTOMER OR AIRPORT SECURITY, TRAFFIC, AND VEHICLE OPERATION OR PARKING REGULATIONS.
27. FAILURE TO REPORT EQUIPMENT FAILURES OR SAFETY HAZARDS IMMEDIATELY TO A MANAGER OR MAINTENANCE PERSONNEL.
28. CONSUMING ALCOHOLIC BEVERAGES OR TAKING NON-PRESCRIBED MEDICATION BEFORE START OF TOUR.

29. TAKING OF OVER THE COUNTER MEDICATION THAT COULD IMPAIR JUDGMENT, REFLEXES, OR ABILITY TO DO YOUR STATED DUTIES.
30. DISTRIBUTION OF LITERATURE, OF ANY DESCRIPTION, IS PROHIBITED IN THE WORKPLACE AT ALL TIMES.
31. COLLECTION OF MONEY, SUCH AS SELLING RAFFLES OR CANDIES, COLLECTING MONEY FOR VARIOUS CAUSES, SELLING TICKETS, ETC.
32. FAILURE OF FJC OFFICER TO COMMUNICATE TO SUPERVISORY STAFF ANY MATTERS PERTAINING TO A CHANGE IN AGREED UPON EMPLOYEE CONTRACT. IT IS THE RESPONSIBILITY OF THE OFFICER TO SUPPLY ANY DOCUMENTS THAT WILL CAUSE A CHANGE IN AGREED UPON SCHEDULE, AS SOON AS CHANGE IS KNOWN.
33. GAMBLING DURING WORK HOURS OR ON COMPANY OR CLIENTS PROPERTY
34. VIOLATION OF COMPANY, CUSTOMER SAFETY RULES AND COMMON KNOWN SAFETY PRACTICES.
35. FAILURE TO MAKE A PROMPT REPORT OF ANY INCIDENT THAT INVOLVES, OR IS ON COMPANY, CLIENT PROPERTY.
36. POSSESSION OF WEAPONS, NOT AUTHORIZED BY THE COMPANY, ON COMPANY, CLIENT PROPERTY.
37. TARDINESS OR ABSENCE FROM WORK WITHOUT PROPER NOTIFICATION OR EXPLANATION. ALL CALL OFFS MUST BE WITHIN 4HRS OF COMMENCEMENT OF THE BEGINNING OF YOUR TOUR.
38. ABUSIVE LANGUAGE TO ANY SUPERVISOR, CLIENT, MEMBER OF THE PUBLIC OR TO ANY EMPLOYEE.
39. VIOLATION OF LOCAL, STATE OR FEDERAL LAWS AND OR FAILURE TO NOTIFY COMPANY OF ANY ARREST OR CONVICTION FOR ANY OFFENCE OF SAID LAWS.
40. ABANDONMENT OF WORK SCHEDULE/ OR REASSIGNMENT: IT IS THE RESPONSIBILITY OF THE EMPLOYEE TO REPORT BACK TO THE PERSONNEL OFFICE FOR REASSIGNMENT TO A NEW JOB LOCATION. OFFICER MUST SUBMIT DOCUMENTATION TO SAID OFFICE FOR ALL WORK STOPPAGE NOT APPROVED THROUGH THE CHAIN OF COMMAND.
41. FAILURE TO MAINTAIN STATE REQUIRED TRAINING CERTIFICATION UP TO DATE. INCLUDING THE 16OJT (TAKEN ONCE WITHIN 90DAYS OF HIRING), 8HR.ANNUAL UNARMED TRAINING AND THE 8 HR ANNUAL ARMED TRAINING EVERY YEAR.

RULES OF CONDUCT AND DISCIPLINE ACKNOWLEDGEMENT:

I HAVE READ AND UNDERSTAND THE EMPLOYMENT TERMS AND CONDITIONS OF FJC SECURITY SERVICES, INC. FURTHERMORE, I HAVE BEEN GIVEN A COPY OF SUCH RULES AND HAVE HAD THE OPPORTUNITY TO ASK QUESTIONS ABOUT THEM AND HAVE MY QUESTIONS ANSWERED. I HEREBY ATTEST TO THIS BY VIRTUE OF MY SIGNATURE APPEARING BELOW.

Samuel J. Tuccio  
PRINT NAME

Samuel J. Tuccio  
SECURITY OFFICER'S SIGNATURE

(D)  
SIGNATURE of FJC STAFF

Div: \_\_\_\_\_

DATE: 4 / 28 / 09

DATE: 4 / 28 / 09

*Declaration of James Donohue*  
**Exhibit 5**



## **FJC SECURITY SERVICES, INC.**

### **SEXUAL HARASSMENT AND ANTI-DISCRIMINATION POLICY**

FJC Security Services, Inc. is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of FJC employees by anyone, including any supervisor, co-worker, vendor, client, or customer of FJC. All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as unlawful harassment of employees or persons who do business with FJC Security Services, Inc.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status such as sex, color, race, religion, national origin, age, physical or mental disability, veteran status, citizenship status, ancestry, creed, marital status, sexual orientation, or other protected group status. The Company will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person's body.

Everyone at FJC Security Services, Inc. especially the Supervisors, are expected to avoid any behavior or conduct that could be interpreted as unlawful harassment. All employees should also understand the importance of informing an individual whenever that individual's behavior is unwelcome, offensive, in poor taste or inappropriate.

The policy of FJC Security Services, Inc. is to investigate each complaint promptly and to keep complaints and the result of our investigation confidential to the fullest extent possible.

If an investigation confirms that a violation of this policy has occurred, then appropriate disciplinary actions will be taken. In investigating complaints of harassment under this policy, the company may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and even if that conduct does not rise to the level of violation of this policy. The company will advise interested parties of the outcome of an investigation, although not necessarily all details of the actions the company has taken to maintain a harassment free environment.

**If you feel that you have experienced or witnessed discrimination or harassment, you are to immediately contact Executive Vice President Patrick J. Conroy or Vice President Frank Califano, Jr. at (516) 328-6000, or call FJC's toll free number 1-877-370-6741 and leave a message on our hotline. They will then take the necessary steps to insure that your report is properly investigated. There will be no retaliation against anyone for reporting a harassment or discrimination charge. Nor will there be any retaliation taken against anyone who is cooperating with an investigation of a complaint of discrimination or harassment.**

#### **Employee Acknowledgement:**

*I, the undersigned employee of FJC Security Services, Inc., hereby confirm and acknowledge that I have read and understood the above Sexual Harassment and Anti-Discrimination policy. I agree to abide by it and understand that any violation of it will be grounds for the immediate termination of my employment.*

Samuel J. Tuccio

Print Employee Name

Employee Code/Site

4-28-09 Samuel J. Tuccio

Date

Signature

RISK MANAGER



*Declaration of James Donohue*  
**Exhibit 6**



**Over 20 Years of Service, Support & Solutions!**

---

Date: 01/20/10

To: Samuel Tuccio  
199 W. Nicholas Street Apt. # PH  
Hicksville, NY 11801

From: James Donohue

Subject: Review of Incident and Violations

CC: John Pagnotta/ Sal DiGiovanni/ SSOBA Union/ CCD/ File

Dear Mr. Tuccio,

Your record indicates that you were hired on 05/08/09. From date of hire all employees are placed on a 90 working day probationary period. In addition, you signed off on and agreed to FJC's Rules & Regulations and FJC's Terms & Conditions of Employment.

On today's date you were assigned as a security Officer to work the Avianca Airlines Contract at Terminal 4, JFK Airport on the 0400x0800 shift. At approximately 0340 hours your Supervisor was giving out the assignment for the tour. When advised as to the post you were assigned you refused and stated that you would not work said post. At this time your Supervisor advised you that if you refuse assignment he would need to confiscate your Airport ID card and that you would need to speak with the Divisional Office. At this time you refused to surrender your ID and stormed off.

As you were trying to exit the building through you a restricted, swipe access door you swiped your card & entered your PIN. After swiping and entering your PIN your access to the door was denied and you proceeded out through the door anyway into a Federal & restricted area. Your breach of said caused emergency alarms and sirens to go off, as well as Building Security, Department of Homeland Security and Port Authority Police to respond to the area. Upon their arrival to the location you were unable to be located. After review of surveillance footage it was determined that after you breached the door you exited the restricted area by going through the employee exit.

This matter and situation was brought to the attention of FJC's Upper Management, at which time they contacted you and requested that you report to the Divisional Office immediately. At approximately 1215 hours you arrived at the FJC Offices, upon your arrival you were asked to give a written statement outlining the incident earlier that day. Below is a summary of some key points in your written statement:

- You refused your post assignment
- You told your Supervisor that you will not work outdoors in the cold weather
- You claim you were being treated unfairly and others were given preferential treatment in regards to post assignment
- You refused to surrender your ID card to your Supervisor upon request
- You exited the building through a restricted door and then exited the restricted area through the front gate

After reviewing your statement you were interviewed by the General Manager in the presence of the Personnel Manager. During the interview, the General Manager first addressed your allegations and complaints as outlined in your written statement. You were advised of the following:

- There was no evidence of unfair post assignment due to the fact that of the other 8 employees assigned to work with you 6 of them have over 3 more years experience than you, 1 of them speaks Spanish fluently

---

Aviation Division  
JFK Cargo Center Bldg. 75 room. 228  
Jamaica, NY 11430  
Phone 718.244.1400 Fax 718.244.7315  
[www.fjcsecurity.com](http://www.fjcsecurity.com)



**Over 20 Years of Service, Support & Solutions!**

and was assigned to a Customer Service post having to deal with arriving passengers from Columbia (a primarily Spanish speaking country) and the final employee who has nearly the same experience as you was assigned to a post similar to your assignment (outdoors).

- In regards to you claiming you can not work outdoors, you were presented with a document, which you signed at time of hire and clearly states that you may be exposed to and must be able to withstand possible long periods of exposure to extreme weather conditions.

After the aforementioned topics were discussed you were advised of the severity and consequences of you breaching a door into a federally restricted Aeronautical Operations Area.

I have reviewed your work history with the Vice President of Operations and it has been determined that you have violated the following Terms & Conditions of Employment:

- #1 – Insubordination – willfully refusing to follow instructions or to perform designated work
- #2 – Refusal to accept job assignment
- #26 – Failure to abide by company, customer or airport security, traffic, and vehicle operation or parking regulations
- #39 – Violation of local, state or federal laws

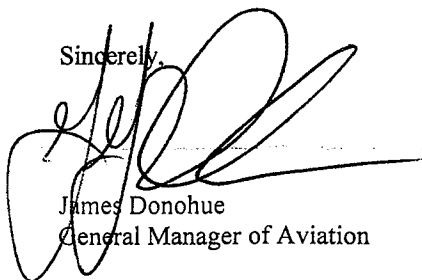
As of today's date your position is being terminated.

If you disagree with these findings please contact your Union Representative and have them schedule an appointment to meet with me prior to 02/02/10. If I do not hear from your Union Rep. prior to 02/02/10 it will be understood that you agree with, and will abide by the findings as outlined in this letter.

You are to return all FJC uniforms, equipment and identification cards or else further judgment may be taken against for full reimbursement for said items.

Sincerely,

Samuel Tuccio



James Donohue  
General Manager of Aviation